

THE WHITE HOUSE

WASHINGTON

March 18, 2011

The Honorable Fred Upton
Chairman, Committee on Energy and
Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Cliff Stearns
Chairman, Subcommittee on Oversight
and Investigations
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Joseph R. Pitts
Chairman, Subcommittee on Health
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Michael C. Burgess, M.D.
Vice Chairman, Subcommittee on Health
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Gentlemen:

I am writing in response to your letter dated March 10, 2011.

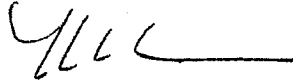
The Administration recognizes that Congress has a legitimate institutional interest in gathering information, and will always cooperate with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch. Similarly, the Administration has a legitimate institutional interest in protecting the independence and autonomy of the Presidency, including by protecting the confidentiality of Executive Branch communications. A longstanding tradition of accommodation between the Executive and Legislative branches has well served the interests and protected the prerogatives of both, effectively balancing core constitutional concerns.

To that end, I appreciate your clarification that the Committee is not seeking internal Executive Branch communications and your offer to discuss the scope of your request, given the concerns expressed in my letter dated March 4. I have asked my staff to contact the Committee Chief Counsel, as you suggest, to discuss the matter further.

Finally, your March 10 letter expressed disappointment with the documents enclosed with my letter dated March 4. Your letter suggests that the Committee viewed these materials as non-responsive. I note, however, that the meetings referenced in the Committee's letters and

described there as "secret," and about which the Committee expressed concern, appear to be meetings about which extensive information was disclosed on the White House website. For that reason, we believe the information we provided with my letter dated March 4 was responsive to the Committee's request.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bauer', with a long horizontal stroke extending to the right.

Robert F. Bauer
Counsel to the President

Cc: The Honorable Henry A. Waxman
Ranking Member, Committee on Energy and Commerce

The Honorable Diana DeGette
Ranking Member, Subcommittee on Oversight and Investigations

The Honorable Frank Pallone, Jr.
Ranking Member, Subcommittee on Health